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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,510	01/15/2004	Shigeru Miyamoto	723-1460	6319

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EXAMINER	
NGUYEN, BINH AN DUC	
ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/757,510	MIYAMOTO ET AL.	
	Examiner	Art Unit	
	Binh-An D. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,6,8,10,11,17,19 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1,6,8,10,11,17,19 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/443,869.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The Request for Continued Examination filed April 29, 2008 has been approved. Therefore, the Amendment filed March 31, 2008 is hereby considered. According to the Amendment, claims 1, 6, 8, 10, 11, 17, 19, and 21 have been amended. Currently, claims 1, 6, 8, 10, 11, 17, 19, and 21 are pending in the application. Acknowledgment has been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6, 8, 10, 11, 17, 19, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Gever et al. (6,329,994).

Referring to claims 1, 6, 8, 11, 17, and 19 Gever et al. teaches a computer animation system and method for generating and supplying to a display an image signal for displaying a player object (characters 64, 48) existing in the vicinity of a land object (e.g., floor or furniture objects 162, 164 (Figs. 8-11A)) by processing image data for the player object and the land object according to a program, comprising: a player object image data generator that generates player object image data to display a player object

(characters 64, 48); a land object image data generator that generates land object image data to display a land object (sub-objects, static or moving icons, e.g., furniture objects 162, 164) (5:8-25); wherein the land object image data includes a program control code; a program control code detector that detects a program control code included in the land object image data for displaying the land object in the vicinity of the player (the control code imbedded in the sub-objects, invisible to a user), and that detects when a predetermined relationship exist between the position of the player object and the land object (9:32-10:67); virtual cameras for viewing different angles of a three dimensional game space (24:5-54); generating sound; outputting animation data to automatically cause the player object to perform an action in according with the action code (player walking 14:64-15:25); "jump" action (15:37-61); detecting moving speed of a player; generating images in three dimensional space with player and land object image polygon data (15:64-18:39).

Note that, the amended limitations of automatically jump action corresponding to hole or hollow and land object is a hole (land object) (1 and 11); automatically climb action corresponding to wall (land object) (claims 6 and 17); and automatic switching virtual cameras are inherent from Gever et al.'s teaching of user interface allowing the user to create scripts and define animation sequences including motion paths, sound and interactions of the smart objects with one another (6:46-60)(5:8-6:45).

Referring to claims 10 and 21, wherein said land object image data generator also contains a sound switching code, and said video game apparatus further comprising a sound switching code detector that detects the sound switching code

included in the land object image data for displaying the land object in the vicinity of said player; a sound data generator to generate sound data for a plurality of ones of sound; and a sound switching circuitry to automatically switch the sound data depending upon said sound switching code, this limitation is inherent from Gever et al.'s teaching of Smart Objects having embedded voice (4:59-5:5) and is capable of react or interact with elements in the windows, e.g., reading aloud text displayed in the window or pointing to an on-screen push-button control according to predefined scripts (6:14-30).

Further, note that, regarding the amended features of: a land object existing at the foot of the player object; and an object exists at a location adjacent said land object, and said image changing circuitry causes the player object to interact with said object (claims 1, 10, 11, 17, 19, and 21), these features are anticipated by Gever et al.'s disclosure of land object such as floor or furniture (sub-objects), which can be static or dynamic (5:15-21; and Figs. 8-11A); motion scripts and trigger scripts (program codes)(6:1-13) for smart object's interactions.

Note that, the amended limitation of "programmed logic circuitry" to all pending claims are inherent from video game program being executed by the game processor.

Further note that, the amended limitations of causing the player object to automatically jump and climb; and automatically switch virtual camera and sound data are inherent from Gever et al.'s teaching of user interface allowing the user to create scripts and define animation sequences including motion paths, sound and interactions of the smart objects with one another (6:46-60)(5:8-6:45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 6, 8, 10, 11, 17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naka et al. (5,963,218) in view of Sasaki (5,577,960).

Referring to claims 1, 6, 8, 11, 17, and 19, Naka et al. teaches a video game apparatus and method generating and supplying to a display an image signal for displaying a player object existing in the vicinity of a land object, existing at the foot of the player object, by processing image data for the player object and the land object according to a program, comprising: a player object image data generator that generates player object image data to display a player object; a land object image data generator that generates land object image data to display a land object (Figs. 37A-37E); wherein the land object image data includes a program control code; a program control code detector that detects a program control code included in the land object image data for displaying the land object in the vicinity of the player (the control code imbedded in the teleport which exchange status information for first and second players, 22:28-63 and Figures 41-43A), and that detects when a predetermined relationship exist between the position of the player object and the land object (further, the program control code is also imbedded in the moving platform over the trench (an object

adjacent to the land object) and the player object interacts with the platform to cross the trench, Figures 37A-37E and column 19:1-50); outputting animation data to automatically cause the player object to perform an action in according with the action code (pressing jumping command); land object is a hole (trench); "jump" action; detecting moving speed of a player (21:8-15). Note that, the program code embedded in the teleport or the platform (Figures 37A, 37B, and 41) is not visible to the video game player.

Naka et al. does not explicitly teach generating images in three dimensional space with player and land object image polygon data (claims 1, 6, 8, 10, 11, 17, 19, and 21). Sasaki, however, teaches a video game apparatus and method generating and supplying to a display an image signal for displaying a player object existing in the vicinity of a land object in a three dimensional space with player and land object image polygon data (5:61-9:24). See also, Figs. 1-12 and columns 2-11.

Regarding the limitations of climb (or automatically climb) action corresponding to wall (land object) (claims 6 and 17); jump (or automatically jump) action corresponding to hole or hollow (land object) (claims 1 and 11); automatically switching virtual cameras for viewing different angles of a three dimensional game space (8 and 19); and generating sound (10, 11, 17, and 21), these limitations are notoriously well known in the video game industry, e.g., video game auto-play or demo mode.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the technique of embedding control code in land object images of Naka et al. with system and method for generating images in three

dimensional space with player and land object image polygon data, as taught by Sasaki, to come up with a more interesting 3-D video game apparatus.

Referring to claims 10 and 21, wherein said land object image data generator also contains a sound switching code, and said video game apparatus further comprising a sound switching code detector that detects the sound switching code included in the land object image data for displaying the land object in the vicinity of said player; a sound data generator to generate sound data for a plurality of ones of sound; and a sound switching circuitry to automatically switch the sound data depending upon said sound switching code, it is notoriously well known in animations to embed predefined sounds to animated or interactive objects to present certain characteristic of the object at different situations while interacting with the environment or surrounding.

Response to Arguments

Applicant's arguments filed March 31, 2008 have been fully considered but they are not persuasive.

Applicant argued that Gever fails to teach or suggest a script associated with object 1 defines an action of object 2 (applicant's remark, page 9, last paragraph bridging page 10) is deemed not to be persuasive. Gever et al. teaches user interface software application allowing the user to create scripts and define animation sequences including motion paths, sound and interactions of the smart objects with one another (6:46-60)(5:8-6:45).

Applicant argued that Gever fails to teach or suggest automatically switching virtual cameras (applicant's remark, page 10, 2nd full paragraph to page 11, 1st paragraph) is deemed not to be persuasive. Gever et al.'s teaches user interface software application allowing the user to create scripts that defines camera angles and simulated lighting characteristics that are applied in rendering the animation sequences (6:46-60).

Applicant argued that Gever fails to teach or suggest automatically switching sound (applicant's remark, page 11, 2nd paragraph) is deemed not to be persuasive. Gever et al. teaches Smart Objects having embedded voice (4:59-5:5) and is capable of react or interact with elements in the windows, e.g., reading aloud text displayed in the window or pointing to an on-screen push-button control according to predefined scripts (6:14-30).

Further, Applicant argued that Naka et al. in view of Sasaki do not teach allowing a character to automatically jumping, climbing, and switching cameras as required by the claims (applicant's remark, page 11, last paragraph, to page 14, 1st full paragraph) is deemed not to be persuasive. Naka et al. teaches a player object image data generator that generates player object image data to display a player object; a land object image data generator that generates land object image data to display a land object (Figs. 37A-37E); wherein the land object image data includes a program control code; a program control code detector that detects a program control code included in the land object image data for displaying the land object in the vicinity of the player (the control code imbedded in the teleport which exchange status information for first and

second players, 22:28-63 and Figures 41-43A), and that detects when a predetermined relationship exist between the position of the player object and the land object (further, the program control code is also imbedded in the moving platform over the trench (an object adjacent to the land object) and the player object interacts with the platform to cross the trench, Figures 37A-37E and column 19:1-50); outputting animation data to automatically cause the player object to perform an action in according with the action code (pressing jumping command); land object is a hole (trench); "jump" action; detecting moving speed of a player (21:8-15). Sasaki further teaches a video game apparatus and method generating and supplying to a display an image signal for displaying a player object existing in the vicinity of a land object in a three dimensional space with player and land object image polygon data (5:61-9:24). See also, Figs. 1-12 and columns 2-11.Further, with respect to the references of Naka et al. in view of Sasaki addressed, the limitations of climb action corresponding to wall (land object) (claims 6 and 17); jump action corresponding to hole or hollow (land object) (claims 1 and 11); virtual cameras for viewing different angles of a three dimensional game space (8 and 19); and generating sound (10, 11, 17, and 21), these limitations are notoriously well known in the video game industry, e.g., video game auto-play or demo mode. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the technique of embedding control code in land object images of Naka et al. with system and method for generating images in three dimensional space with player and land object image polygon data, as taught by Sasaki, to come up with a more interesting 3-D video game apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN

/Robert E Pezzuto/
Supervisory Patent Examiner
Art Unit 3714